

REMARKS/ARGUMENTS

In view of the remarks and arguments below, Applicant believes the pending application is in condition for allowance.

I. Status of the Claims

No claim amendment is made.

Claims 1-14 are pending. They are presented herein as a courtesy to the Examiner.

II. Withdrawal of Previous Rejection of Claims 1-11 under 35 U.S.C. § 112, ¶ 2

Applicant appreciatively thanks Examiner Chui for the withdrawal of rejection of claims 1-11 under 35 U.S.C. § 112, ¶ 2 in view of the Response Applicant filed on January 17, 2008.¹

III. Withdrawal of Previous Rejection of Claims 9-11 under 35 U.S.C. § 103(a)

Applicant also appreciatively thanks Examiner Chui for the withdrawal of rejection of claims 9-11 under 35 U.S.C. § 103(a) in view of the Response Applicant filed on January 17, 2008.²

IV. Request for Identification of Certified Copies of Priority Documents not Received

In the outstanding Final Office Action dated April 30, 2008, the box "Some" is checked on the Office Action Summary page under the heading "Priority under 35 U.S.C. § 119." It is accompanied by a footnote (signaled by "**") five lines below, which states: "See the attached detailed Office action for a list of the certified copies not received."

Applicant appreciatively thanks Examiner Chui for pointing out a possible oversight on Applicant's part. However, Applicant respectfully submits that no such list is provided in the Detailed Action section that follows, and respectfully requests identification of the priority documents for which certified copies have not been received by the Office.

¹ Final Office Action dated April 30, 2008, page 2, lines 11-12.

² Final Office Action dated April 30, 2008, page 3, lines 1-2.

V. Rejection of Claims 1-5 under 35 U.S.C. § 103(a)

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as unpatentable over United States Patent Application Publication No. 2004/0266626 to Schrof et al. ("Schruf") in view of United States Patent No. 6,908,882 to Becher et al. ("Becher"). The Examiner contends that Schrof in combination with Becher renders claims 1-5 obvious. Applicant respectfully traverses the rejection.

Claim 1 recites "[a]n agricultural and horticultural water dispersible granule comprising an agricultural chemical compound of which a melting or softening point is 70°C or below, a salt of N-acylamino acid, and an adsorbent carrier."

The Examiner asserts that it would have been obvious to a person of ordinary skill in the art at the time of the present invention to combine the teachings of Schrof and Becher to utilize an acylated amino acid or derivatives thereof together with an agricultural chemical compound and a carrier.

However, as demonstrated by the Declaration under 37 CFR § 1.132 submitted herewith, even if an acylated amino acid is utilized together with an agricultural chemical compound whose melting point is more than 70°C and a carrier in accordance with the teachings of Schrof and Becher, the underwater disintegrability and dispersibility are not improved. In contrast, as described in the present Specification, if a salt of N-acylamino acid is utilized together with an agricultural chemical compound whose melting point or softening point is 70°C or below and an adsorbent carrier, the underwater disintegrability and dispersibility are significantly improved. Such effects are not taught or suggested by Schrof or Becher.

At least for this reason, Applicant respectfully submits that it would not have been obvious to a person of ordinary skill in the art at the time of the present invention to formulate an agricultural chemical compound whose melting point or softening point is 70°C or below, a salt of N-acylamino acid, and an adsorbent carrier, to obtain an agricultural and horticultural water dispersible granule as recited in claim 1 based on the disclosures of Schrof and Becher.

